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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,731	01/21/2004	Leonard Michael Walsh	EH-10765	3622

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PRATT & WHITNEY  
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MAIL STOP: 132-13  
EAST HARTFORD, CT 06108

EXAMINER

MEISLIN, DEBRA S

ART UNIT PAPER NUMBER

3723

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

**Office Action Summary**

Application No.

10/761,731

Applicant(s)

WALSH, LEONARD MICHAEL

Examiner

Debra S. Meislin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 3723

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the “rectangular profile comprises a chamfered edge” must be shown or the feature(s) canceled from the claim(s).** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3723

In claim 8, line 8, "and through into said receiving area" is grammatically incorrect and not understood.

Claims 21, 24 and 27 are misdescriptive since the retainer is not secured to the fastener. The retainer is secured to the holder.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.

4. Claims 1, 5, 7, 8, 12, 14 and 22 are rejected under 35 U.S.C. 102(a or e) as being clearly anticipated by Rinner et al (6543317).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7-10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard (2798394) in view of Rinner et al (6543317).

Hubbard discloses all of the claimed subject matter except for having a retainer "permanently secured" to the holder. Hubbard discloses a removable retainer. Rinner et al discloses a retainer "permanently secured" to the holder. It would have been

obvious to one having ordinary skill in the art to form the retainer of Hubbard as “permanently secured” to the holder to provide precision work as taught by Rinner et al.

With respect to claim 2, Hubbard discloses a second notch “26”, transverse to the insertion direction and parallel with the first notch “24”, and in a sidewall of the holder “11”.

7. Claims 1, 4, 5, 8, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso or Fogel in view of Rinner et al.

Faso or Fogel disclose all of the claimed subject matter except for having a retainer “permanently secured” to the holder. Rinner et al discloses a retainer “permanently secured” to the holder. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso or Fogel as “permanently secured” to the holder to provide precision work as taught by Rinner et al.

8. Claims 1, 5, 6, 8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGuckin in view of Rinner et al.

McGuckin discloses all of the claimed subject matter except for having a retainer “permanently secured” to the holder. Rinner et al discloses a retainer “permanently secured” to the holder. It would have been obvious to one having ordinary skill in the art to form the retainer of McGuckin as “permanently secured” to the holder to provide precision work as taught by Rinner et al.

9. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Rinner et al.

Faso discloses all of the claimed subject matter except for having a retainer “permanently secured” to the holder. Rinner et al discloses a retainer “permanently secured” to the holder. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso as “permanently secured” to the holder to provide precision work as taught by Rinner et al.

10. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rinner et al in view of Cuda.

Rinner et al discloses all of the claimed subject matter except for the retainer being “welded” to the “holder”. Cuda discloses a retainer being “welded” to a “holder”. Note column 1, lines 60-64 and lines 34-59. It would have been obvious to one having ordinary skill in the art to weld the retainer of Rinner et al to the holder to maintain the retainer in place and as such would have been an obvious mechanical expedient as taught by Cuda.

11. Claims 22-23 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso or Fogel in view of Rinner et al as applied above, in further view of Ritchey et al.

Ritchey et al discloses a retainer being rectangular and/or having a chamfered edge. Note column 6, lines 30-65 of Ritchey et al. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso or Fogel as rectangular and/or having a chamfered edge to reduce wear points, reduce bending stress, increase surface area engagement and would have been obvious shape variations as taught by Ritchey et al.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Rinner et al as applied above, in further view of Cuda.

Cuda discloses a retainer being "welded" to a "holder". Note column 1, lines 60-64 and lines 34-59. It would have been obvious to one having ordinary skill in the art to weld the retainer of Faso to the holder to maintain the retainer in place and as such would have been an obvious mechanical expedient as taught by Cuda.

13. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faso in view of Rinner et al as applied above, in further view of Ritchey et al.

Ritchey et al discloses a retainer being rectangular and/or having a chamfered edge. Note column 6, lines 30-65 of Ritchey et al. It would have been obvious to one having ordinary skill in the art to form the retainer of Faso as rectangular and/or having a chamfered edge to reduce wear points, reduce bending stress, increase surface area engagement and would have been obvious shape variations as taught by Ritchey et al.

Applicant's arguments filed November 9, 2005 have been fully considered but they are not persuasive. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


With respect to claim 2, Hubbard discloses a second notch "26", transverse to the insertion direction and parallel with the first notch "24", and in a sidewall of the holder "11".

Rinner et al discloses a retainer "permanently secured" to the holder.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin  
Primary Examiner  
Art Unit 3723

November 30, 2005